

21 C.J.S. Courts § 148

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

IV. Terms and Sessions

B. Terms

3. Special or Extraordinary Term

§ 148. Jurisdiction of court at special term

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  64(6)

A court has the same jurisdiction and authority at a special or extraordinary term as at a regular term so long as the special or extraordinary term is authorized and is legally called and held.

A court at a valid special or extraordinary term has the same jurisdiction and authority as it possesses at a regular term.¹ A judge lacks jurisdiction to try cases at a special term, however, if the order calling the term is invalid for being out of compliance with statutory requirements.² Specifically, if a special term is unauthorized, then all proceedings at the term are void.³ However, the convening of an extraordinary term under authority of law does not exclude the exercise of jurisdiction at other terms.⁴ Furthermore, even if an order calling a special term of court for the trial of a case is invalid, the case is properly tried if, after service of a sufficient notice of trial, it is tried on a day of the regular term of the proper court.⁵

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

- 1 N.Y.—[Dondi v. Jones](#), 40 N.Y.2d 8, 386 N.Y.S.2d 4, 351 N.E.2d 650 (1976).
- 2 Ky.—[Rooney v. Commonwealth](#), 198 Ky. 515, 249 S.W. 763 (1923).
- 3 Miss.—[Williams v. State](#), 156 Miss. 346, 126 So. 40 (1930).

- 4 N.Y.—*People ex rel. Sherman v. Adjourned Special Term of Orange County*, 206 A.D. 799, 200 N.Y.S. 880 (2d Dep't 1923).
- 5 S.D.—*State ex rel. Haugan v. Denis*, 40 S.D. 219, 167 N.W. 151 (1918).

End of Document

© 2023 Thomson Reuters. No claim to original U.S. Government Works.